



Comptroller General
of the United States

Washington, D.C. 20548

McArthur

Decision

Matter of: Wright Tool Company

File: B-236220

Date: August 21, 1989

DIGEST

Protest filed by nondisadvantaged small business concern is dismissed where protester does not allege a valid basis for disturbing the contracting officer's decision to set aside the procurement for exclusive participation by small disadvantaged business concerns.

DECISION

Wright Tool Company protests the decision by the U.S. Army Armament, Munitions and Chemical Command to issue solicitation No. DAAA09-89-R-0934 as a 100 percent set-aside for small disadvantaged businesses (SDB). The protester believes that without obtaining offers from competing small businesses that are not SDB concerns, the agency will be unable to determine whether it was obtaining a competitive price.

The decision to conduct a procurement as an SDB set-aside is a business judgment generally within the discretion of the contracting agency, which we will not question absent a clear showing of abuse. Logistical Support, Inc., B-234621, May 24, 1989, 89-1 CPD ¶ 500. Prior to setting a procurement aside for exclusive SDB participation, the contracting officer must determine that there is a reasonable expectation that offers will be obtained from at least two responsible SDB concerns and that award will be made at a price no more than 10 percent in excess of fair market price; the contracting officer need not obtain competitive prices from

046292/139378

non-SDB concerns in order to make such a determination.
See Department of Defense Federal Acquisition Regulation
Supplement § 219.502-72(a) (1988 ed.). The protester
therefore does not allege a valid basis for disturbing the
SDB set-aside. 4 C.F.R. § 21.3(m) (1988).

The protest is dismissed.

Ronald Berger

Ronald Berger
Associate General Counsel